

UNITED STATES DISTRICT COURT

for the

US District of Ohio

S Division

Case No.

1:20 CV 402 "1"

(to be filled in by the Clerk's Office)

Michael Dale Maze

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

J. BLACK

M. LITKOVITZ

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIVISION CINCINNATI

FILED
RICHARD W. NAGEL
CLERK OF COURT

David J.

20 MAY 20 PM 3:07

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Michael Dale Maze

All other names by which
you have been known:

None

ID Number

N/A

Current Institution

Lawerence County Jail

Address

115 South 5th Street

Ironton

OH

45638

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Ironton Police Department

Job or Title (*if known*)

N/A

Shield Number

N/A

Employer

Ironton Police Department

Address

301 South 3rd Street

Ironton

OH

45638

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Kersten Harris

Job or Title (*if known*)

Ptl. Officer

Shield Number

813

Employer

Ironton Police Department

Address

301 South 3rd Street

Ironton

OH

45638

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 3

Name

Chad Gue

Job or Title (*if known*)

PAI. Officer

Shield Number

810

Employer

Ironton Police Department

Address

301 South 3rd Street

Ironton

City

OH

State

45638

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

Lawrence County Sheriff's Department

N/F

Job or Title (*if known*)

N/F

Shield Number

Lawrence County Sheriff's Department

Employer

115 South 5th Street

Address

Ironton

City

OH

45638

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Excessive Force, Blunt Force Trauma, Negligence, Malpractice, Wrongful Actions

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attached Page (3)

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

St. Mary's Hospital of Ironton, 1434 Old Richey Road, Ironton, OH
- 45638-
When I came out of several seizures

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

May 18, 2019 approximately 0446 am

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached Page (4) and (5)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Head Trauma, split to the scalp that needed 5 staples
Black eyes, blood in my urine, cuts and scrapes to the
back side of my body. I required pictures, X-rays, urine
sample for (UTI) and pain.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Compensation for medical, treatment, blunt force
Trauma, excessive force, Malpractice, Negligence
Head Trauma and for my charges that's filed
against me to be dropped due to wrongful
actions. Total \$250,000 plus \$20,000
for each individual of the defendants.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

N/A

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The incident occurred at St. Mary's Hospital

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court (*if federal court, name the district; if state court, name the county and State*)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

N/A

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes
 No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (*if federal court, name the district; if state court, name the county and State*)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

N/A

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 12, 2020

Signature of Plaintiff

M. Maze

Printed Name of Plaintiff

Michael Dale Maze

Prison Identification #

N/A

Prison Address

115 South 5th StreetFrontonCityOHState45638Zip Code**B. For Attorneys**

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

CityStateZip Code

Telephone Number

E-mail Address

The Defendant(s)

Page (1)

1. Ironton Police Department
2. Kersten Harris
3. Chad Gue
4. Lawerence County Sheriff's Department
5. Michael Delawder
6. Mark Majher
7. Brian Chaffins
8. St. Mary's Hospital of Ironton
9. Unknown Named Doctor

Defendant No. 5

Michael Delawder

Deputy Sheriff

Shield No. N/A

Lawrence County Sheriffs Department

115 South 5th Street

Ironton, OH 45638

Defendant No. 6

Mark Majher

Deputy Sheriff

Shield No. N/A

Lawrence County Sheriffs Department

115 South 5th Street

Ironton, OH 45638

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Defendant No. 7

Brian Chaffins

Sgt. Sheriff

Shield No. N/A

Lawrence County Sheriffs Department

115 South 5th Street

Ironton, OH 45638

Defendant No. 8

St. Mary's Hospital of Ironton

N/A

N/A

St. Mary's Hospital of Ironton

1434 Ora Richey Road

Ironton, OH 45638

Defendant No. 9

Unknown Named

Doctor of St. Mary's Hospital

N/A

St. Mary's Hospital of Ironton

1434 Ora Richey Road

Ironton, OH 45638

Basis for Jurisdiction

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D. Ironton Police Department: Neglinence, Wrongful Actions
Kersten Harris Ptl. Officer: Excessive Force, Neglinence and Wrongful Actions

Chad Gue Ptl. Officer: Blunt Force Trauma, Excessive Force, Neglinence and Wrongful Actions

Lawrence County Sheriff's Department: Neglinence, Wrongful Actions

Michael Delawder Deputy Sheriff: Neglinence, Wrongful Actions

Mark Majher Deputy Sheriff: Neglinence and Wrongful Actions

Brian Chaffins Sgt. Sheriff: Neglinence and Wrongful Actions

St. Mary's Hospital of Ironton: Neglinence, Malpractice and Wrongful Actions

Unknown Named Doctor: Neglinence, Malpractice and Wrongful Actions

Note: I dont know which of these fall under certain constitutional rights or violations of my civil rights due to being incarcerated in Lawrence County Jail.

They dont provide any information and im filing this complaint under my best acknowledge. And would need help to furture pursued my complaint.

Statement of Claim

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D.

On May 18, 2019 at approximately 0446am Ptl. Officer Kersten Harris of Ironton Police Department used excessive force by using his tazor numerous times in strike mode and drive stunned mode while punching several times to my face. While on top of me, at this time Ptl. Officer Chad Gue used his Flash light and delivered a strike to my head Knocking me unconscious, which I sustained blunt force trauma due to the strike to the head that split my scalp open. Ptl. Officer Harris and Ptl. Officer Gue used wrongful actions after I was handcuffed and detained, by shoving and rolled me down a embankment outside of St. Mary's Hospital until I landed up against a tree. Then the officers grabbed me by my ankles and dragged me the rest of the way about 20 yards to waiting staff from St. Mary's Hospital and other officers. I was also nude at this time. I received numerous cuts and scratches all up and down my body from being dragged. While I was put on gurney one of the officers ripped out the darts from the tazor that were attached in my side.

I was transported back into St. Mary's Hospital to finish being treated for original issues which were being in active seizures for several hours. And also the new ones I received coming out of seizures. I ended up with 5 staples in my head from the strike with the Flashlight. I was cleared by hospital and taken back to Lawrence County Jail. There were several staff members who saw what happen to me. Along with

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other officers. (Helene Barnhart, Shelby Unknown last name, and several other nurses that were on duty that day.) And (Mark Majher and Brian Chaffins from Lawrence County Sheriff Department.)

I had to go back to St. Mary's Hospital days later for more medical issues that I sustained from the incident that occurred on May 18, 2019. There was blood in my urine and substantial pain. The Doctor that was on duty May 18, 2019 should've never released me and kept me at St. Mary's Hospital for further observation due to having seizures and receiving blunt force trauma to the head. I also got a (UTI) Urinated Track Infection from the catheter being ripped out when I was at the hospital.

There are a lot of things that could have been prevented if the Sheriff Department and Hospital staff went by protocol and did the right thing. Deputy Michael DeLauder stated to me that he was mad cause I bout got Mark Majher fired and he got written up from that night the incident occurred. And the none of the officers that where there or involved got no statements from any onlookers or witnesses from the hospital such as the nurses and staff.

May 12, 2020

M. Maze
Michael Dale Maze